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[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ETOPIA EVANS, as the Representative of the )  
 Estate of Charles Evans, et al., )

Plaintiffs, )

vs. )

ARIZONA CARDINALS FOOTBALL CLUB, )  
 LLC, et al., )

Defendants. )

Case No. 3:16-cv-01030-WHA

CONSENT MOTION FOR  
 ADMINISTRATIVE RELIEF – TO FILE  
 PLAINTIFFS’ SECOND AMENDED  
 COMPLAINT UNDER SEAL

Date: March 23, 2017

Time: 8:00 a.m.

Courtroom: 8, 19<sup>th</sup> Floor  
 Honorable William Alsup

1 PLEASE TAKE NOTICE that on March 23, 2017, at 8 a.m., or as soon as possible, in the  
2 courtroom of the Hon. William Alsup, located at 450 Golden Gate Ave., San Francisco, CA  
3 94102, Plaintiffs Etopia Evans, Robert Massey, Troy Sadowski, Chris Goode, Darryl Ashmore,  
4 Jerry Wunsch, Eric King, Alphonso Carreker, Steven Lofton, Duriel Harris, Jeffrey Graham,  
5 Cedric Killings and Reginald Walker will seek an order granting them leave to file their second  
6 amended complaint under seal.

7 The motion will be based on this Notice of Motion and Motion, the Memorandum of  
8 Points and Authorities, the [Proposed] Order and Declaration filed herewith, on all of the files  
9 and records of this action, and on any additional material that may be elicited at the hearing on  
10 this Motion, should one occur.

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **Statement of the Issues**

13 Should the Court grant Plaintiffs leave to file their Second Amended Complaint under  
14 seal?

15 **Statement of the Relevant Facts**

16 Plaintiffs filed this lawsuit in the U.S. District Court for the District of Maryland on  
17 May 21, 2015. The case was transferred on February 26, 2016. Plaintiffs filed a timely amended  
18 complaint, ultimately docketed on November 28, which Defendants sought to dismiss on  
19 December 14, 2016. By order dated February 3, this Court granted that motion in part, allowing  
20 Plaintiffs leave to file a second amended complaint on certain of their claims by February 22.  
21 Plaintiffs intend to do so.

Argument

The Court has made much of statements by Plaintiffs' counsel at the January 26 hearing that 20 depositions have taken place in this case, hundreds of thousands of pages of documents have been reviewed, and thus, Plaintiffs "could 'amend [the complaint] to any degree of particularity' required." [Dckt. # 175 at 2]. Though Plaintiffs disagree that the Amended Complaint failed to state with the requisite specificity their intentional misrepresentation and concealment claims against all the Clubs, rather than seek reconsideration and spill more ink on the issue, they offer a Second Amended Complaint. But because doing so requires Plaintiffs to rely on information that Defendants have marked confidential under the Protective Order entered in this matter on August 23, 2016 [Dckt. # 99], they need to file their Second Amended Complaint under seal so as not to violate the same.

Defendants consent to the relief sought herein.

Copies of the redacted and unredacted versions of Plaintiffs' Second Amended Complaint are filed herewith.

DATED: February 22, 2017

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Steven D. Silverman  
Stephen G. Grygiel  
Phillip J. Closius  
Alexander Williams  
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/s/ William N. Sinclair  
[ATTORNEY SIGNATURE]

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